

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	
LITIGATION)	
)	
)	
)	MDL No.: 2419
)	Dkt. No. 1-13-md-2419 (FDS)
This Document Relates To:)	
)	
ALL ACTIONS)	
)	

**DEFENDANT AMERIDOSE LLC'S RESPONSE TO PLAINTIFF
STEERING COMMITTEE'S LETTER REQUESTING INTERIM STATUS
CONFERENCE**

On February 12, 2014 the Plaintiff's Steering Committee (PSC) sent the Court a letter, also posted on the Court's ECF System, requesting that the Court convene an interim status conference. Ameridose objects. Ameridose has also canvassed some of the other defense lawyers, both representing affiliated defendants (MSM and GDC) and non-affiliated defendants (some Tennessee and New Jersey Health Care Providers); they join the objection.

First, the PSC did not reach out to defense counsel for a meet and confer about this potentially controversial topic. Such a conference is customary. The PSC's letter does not mention whether they reached out to two other significant parties- the Official Creditors' Committee or The Trustee, both of whom may have wanted a say about the wisdom or practicality of this idea.

There are several substantive reasons not to convene an early status conference. First, there is no pressing business in this litigation which warrants a break in the usual monthly

schedule. The PSC's letter did not say otherwise. Second, logistically there are probably 30-40 lawyers at the monthly conferences. Many travel from Tennessee, Ohio, Michigan, New Jersey, Texas and Virginia. They schedule these trips well ahead of time, and getting them to adjust their schedules for a non-emergent conference during this harsh winter would be very difficult, especially if the Court hoped for a meaningful "quorum" of lead counsel attending in person. It would also be expensive in a litigation in which the goal right now is to conserve resources. The next conference is scheduled for March 13, 2014. That time allows everyone to adhere to existing schedules and allows the Court adequate time to absorb the large but well-documented course of this litigation based on the pleadings. Finally, if the Court feels the need to confer with counsel about transition issues ahead of March 13, there are less disruptive and expensive alternatives to explore than a full-blown conference in Boston.

Defendant Ameridose respectfully requests that the Court decline the PSC's invitation to convene an interim status conference.

Respectfully submitted,

/s/ Matthew P. Moriarty
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 13, 2014, a true and exact copy of the foregoing was filed with this Panel's CM/ECF filing system, thereby providing electronic notice to those counsel of record listed below who are registered users of the system.

/s/ Matthew P. Moriarty
One of the Attorneys for Attorney for
Defendant Ameridose, LLC